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ABSTRACT

Inconsistent government policies towards American Indian landholdings have created jurisdictional chaos on South Dakota's Sioux reservations. Although the Sioux had occupied the area of South Dakota since the seventeenth century, white settlers began to move into the territory in the 1840's. Despite treaties, the federal government began convincing the Indians to trade large tracts of their land for small reservations and occasionally even reduced the size of the reservations. By the 1880's, South Dakota contained six distinct Sioux reservations: Crow Creek, Lower Brule, Standing Rock, Rosebud, Cheyenne River, and Pine Ridge. The government frequently took the land separating them, thus weakening family and intertribal ties. After 1889 the Indians gained title to some reservation land through the allotment system, but they lost land when the government opened unallotted tribal lands to white homesteaders. They lost more land when the government began forcing them to accept full title to allotted lands in 1917. Although attempts to reconstitute tribal landholdings in South Dakota began as early as the 1890's, the area still has no coherent land ownership patterns and remains a confused mix of land ownership. Chances for true autonomy seem remote. Appended are maps of South Dakota illustrating the settlement of the Sioux (1800's to present). (SB)

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LOSS AND RECONSTITUTION OF SIOUX TRIBAL LANDS IN SOUTH DAKOTA

By Richard H. Weil

Paper presented at the 79th annual convention of the Association of American Geographers, Denver, Colorado, 24-27 April 1983.

ABSTRACT

The period during which South Dakota was occupied by white settlers, 1840 to 1890, conincided with changes in official policies towards India lands. Reservations in what became this state were initially created as Indian homelands but later became containment areas. From 1889 to the present the reservations have shrunk in size as, for a variety of reasons, many scattered parcels of land have been taken from the tribes. Although attempts are now being made through various programs to re-constitute the areas of tribal jurisdictions, the situation today in generally one of geographic and administrative chaos.

(Bibliographic note: Dr. Weil received his Ph.D. in geography from Rutgers University in 1983. His last position was as Instructor at Augustana College, Sioux Falls, South Dakota.)

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By Richard H. Weil
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Tribal landholdings on South Dakota's nine Sioux reservations provide a good example of how inconsistent government policies have created jurisdictional chaos. Recent attempts to reverse past trends in land distribution have met with very limited success.

In the seventeenth and eighteenth centuries the Sioux, or Dakota, people moved west from Minnesota. One branch, the Teton Sioux, crossed the Missouri and became the classic Plains Indians (Figure 1).

In the 1840s white Americans in significant numbers began moving into what became South Dakota. Initial contacts with the eastern Sioux tribes, the Santee and Yankton peoples, were generally peaceful. In 1841 a local government agent proposed that a "Northern Indian Territory" be established for them, but no action was taken (Meyer, 1967).

In 1851 the Federal government recognized the Teton Sioux's right to occupy their trans-Missouri lands. At the same time the Sisseton Sioux yielded most of their lands in Minnesota, Iowa, and east of the Big Sioux River in the Dakota Territory. In 1867 this group was given a reservation, which was reduced in size in 1873. Earlier, in 1858, the powerless Yankton Sioux, their leaders knowing that their only option was to get the best possible terms for their people, yielded all of central South Dakota in return for a small reservation on the Missouri (Figure 2).

The year 1862 marked a turning point for the Sioux. First, some of the Santee in Minnesota and the Dakota Territory attacked the settlers.

This "Sioux Uprising" was soon quelled, its presumed leaders hung, and a thousand Indians banished to the first open land their captors found on the Missouri. On this barren Crow Creek Reservation three hundred died and the survivors fled to Nebraska in 1866 (Figure 3).

Second, in 1862 the Homestead Act was passed. White settlement east of the Missouri rapidly increased. President Andrew Johnson therefore set aside a Santee Sioux reserve for the remaining tribespeople in central eastern South Dakota, but white fear of the Indians, plus a desire for more public land, terminated this effort in 1869 (Jennewein and Borman, 1973).

In 1868 the Teton Sioux were given by treaty the western half of South Dakota. This "Great Sioux Nation" was expanded eastward in 1875. However, a year earlier an expedition under Custer confirmed rumors of gold in the Black Hills. This sounded the death knell for the great reservation (Figure 4).

After initial attempts to throw the miners out of the Sioux's sacred Black Hills failed, the Army found itself defending them against the angry Indians. The growth of population in this area, and white outrage over Custer's defeat, soon led to public demands that the Black Hills be officially taken.

In 1876 a team of peace commissioners met with the Sioux. Promising food to a people dependenet upon the depleted buffalo herds, and probably falsifying agreements, the Commission induced the Indians to yield the Hills, with Congress confirming this in 1877 (Hilliard, 1972, and Utley, 1963). Today the Sioux do not recognize these arrangements and have refused to accept the compensation monies offered them (Figure 5).

During the following years six agencies administered parts of the shrunken reservation. In 1889 these units became the headquarters for the separate jurisdictions of Crow Creek, Lower Brule, Standing Rock, Rosebud,

Cheyenne River, and Pine Ridge Reservations. At this time the land between the White and Cheyenne Rivers was also taken away (Figure 6).

The shattering of the great reservation weakened intertribal ties. The worst problems occurred at Lower Brule, whose members had been arbitrarily separated from their kin at Rosebud. A number of Lower Brule people migrated to the Rosebud Reservation, and this was eventually used as an excuse by the government to reduce the size of the former jurisdiction (Figure 7).

After 1889 much land was lost due to the allotment system. Practiced locally since the 1870s, this process encouraged Indians to take lands under BIA trusteeship with the goal of eventually receiving full titles. Under the Dawes Act of 1887 this was institutionalized, with unallotted tribal lands opened for white homesteading, no consideration being given to future Indian needs. Since no attempt was made to produce coherent land ownership patterns, the reservations soon became crazy quilts of varying jurisdictions. On the more fertile reservations east of the Missouri the Sioux eventually sold many of their properties and the situations locally became so confused that the Sisseton and Yankton Reservations no longer have generally recognized boundaries (United Sioux Tribes, no date). Throughout reservation areas in the state police must often carry plat books and tape measures to determine who has jurisdiction at the scenes of crimes (White, 1974).

During the twentieth century other lands were taken from the tribes. Around 1910 Congress unilaterally broke its previous agreements by detaching parts of the Rosebud and Pine Ridge reservations. This has since caused great administrative trouble since the tribal and trust lands remaining in these areas cannot be administered by the counties and are often too far away to be effectively controlled by the reservations (Figure 8).

Also around 1910 parts of the Cheyenne River and Standing Rock Reservations were opened to homesteading. However, the law allowing this was so poorly written that no one is sure if these areas remain within their respective reservations (Sutton, 1976). The Corson County sheriff's area of jurisdiction over Indians was changed by court decisions twelve times from 1950 to 1982 (Figure 9).

On the reservations the allotment process continued until 1934, and unofficially may have gone on until the 1950s. Until 1917 relatively few patents terminating Federal trust status over landholdings were granted, but in that year a new administration in the BIA began to force Indians to accept full titles, even if they were neither willing or prepared to take them. In 1981 legal proceedings to reverse these "forced fee patents" were instituted; these involve over 3200 allotments, with each often having several heirs of the original owner. In addition, thousands of cases of trespass, of arbitrary transference of inherited interests, and of the improper granting of easements also must be settled (McCurdy, 1981).

For those Indians who received allotments, either voluntarily or by fiat, the 1920s was a particularly difficult time. Encouraged by wartime prosperity, many Sioux turned from cattle raising to crop growing. When the farm market collapsed after government incentives were withdrawn, large numbers lost their lands through failure to pay taxes (Figure 10).

In later years the drift of land out of tribal and trust status continued. To counteract the minute divisions of trust lands among heirs, the BIA tends to encourage the leasing of large blocks of real estate on reservations to single persons or firms. Often these leasors have little or no Indian heritage, and over time this has resulted in a movement of land into non-tribal ownership (Bureau of Indian Affairs, 1974).

In response to the foregoing processes, several attempts have been made to reconstitute tribal landholdings in the state. As early as the 1890s a few military forts were returned to the tribes (Freedom, 1982), and in 1936 the Indians living at Flandreau constituted their scattered lands into a reservation. Beginning in 1942 the Rosebud Sioux Tribe has started to purchase private and trust lands, and their has been a slow migration by members of this group into the counties lost around 1910. Since a recent Federal court decision (now under appeal) affirmed that reservations may acquire new lands, it is possible that small tracts of land belonging to individual Sioux may be returned to the tribes.

One of the most important processes in rebuilding the reservations' land bases has been conducted by the Farmers Home Administration. Since 1971 this unit has loaned forty-four million dollars to all of the reservations in South Dakota, except tiny Flandreau, to consolidate their tribal landholdings within their diminished boundaries (McLinn, 1982).

Additional consolidations have been undertaken by the tribes using the monies which they received from the Corps of Engineers when their fertile Missouri bottomlands were flooded. The most important of these efforts was made by the Cheyenne River Reservation, which purchased 600,000 acres of land from private owners (Lawson, 1982).

The preceding efforts have been slow, incremental processes. More direct action was taken by dissident Sioux in 1973 when they declared Wounded Knee to be the "Independent Oglala Nation" (Voices from Wounded Knee, 1974). In 1981 several groups also occupied camps in the Black Hills National Forest, where one, the American Indian Movement settlement, still remains (Figure 11). Although most tribal governments have not taken such steps, all still claim their originally granted landholdings.

Today some Native Americans talk about making the reservations into semi-independent nations. The Federal government occasionally treats them as though, for funding purposes, they were de facto states. However, as long as the territorial bases of these units remains a confusing mixture of land ownership patterns, the chances for true autonomy appear remote. In South Dakota the reservations remain shattered enclaves of Federal and tribal jurisdictions within the state, mute reminders of a history of broken promises.

Bibliography

Atlas of Todd County, South Dakota. Fergus Falls, MN: AMerican Atlas Company, nd.

Bureau of Indian Affairs. "Land Use and Purchase Patterns on the Pine Ridge Reservation," np, 1974. (Mimeographed.)

Freedom, Gary S. Assistant Professor of Geography, McNeese State University. Letter of 25 July 1982.

Hilliard, Sam B. "Indian Land Cessions." Map Supplement Number 16. Annals of the Association of American Geographers, Vol. 62 (1972), p. 374.

Jennewein, J. Leonard, and Borman, Jane, eds. Dakota Panorama, 3rd ed. Freeman, SD: Pine Hill Press, 1973.

Lashua, Richard, and Bergum, Jerry. "Tripp County Land Use Study." Pierre, SD: Fifth Planning and Development District, 1975. (Map.)

Lawson, Michael L. Dammed Indians: The Pick-Sloan Plan and the Missouri River Sioux, 1944-1980. Norman: university of Oklahoma Press, 1982.

McCurdy, James R. "legal Memorandum: Forced Fee Patents," np, 1981. (Zeroxed.)

McLinn, Maurice L. Chief, Farmer Programs, Farmers Home Administraiton, Huron, South Dakota. Letter of 14 July 1982.

Meyer, Roy W. History of the Santee Sioux. Lincoln: university of Nebraska Press, 1967.

Sutton, Imre. "Sovereign States and the Changing Definition of the Indian Reservation," Geographical Review, 66 (1976), pp. 281-95.

United Sioux Tribes. "Presenting the Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation," Sioux Falls, SD: np, nd. (Pamphlet.)

Utley, Robert M. The Last Days of the Sioux Nation. New Haven, CT: Yale University Press, 1963.

Voices From Wounded Knee. Mohawk Nation, via Rooseveltown, NY: Akwesasne Notes, 1974.

White, J. Examination of the Basis of Tribal Law and Order Authority. Volume 4 of a series published by the National American Indian Court Judges Association. Washington: Government Printing Office, 1974.

FIGURE 1: MIGRATION OF THE DAKOTA PEOPLE INTO SOUTH DAKOTA

FIGURE 2: TREATIES OF THE 1850s

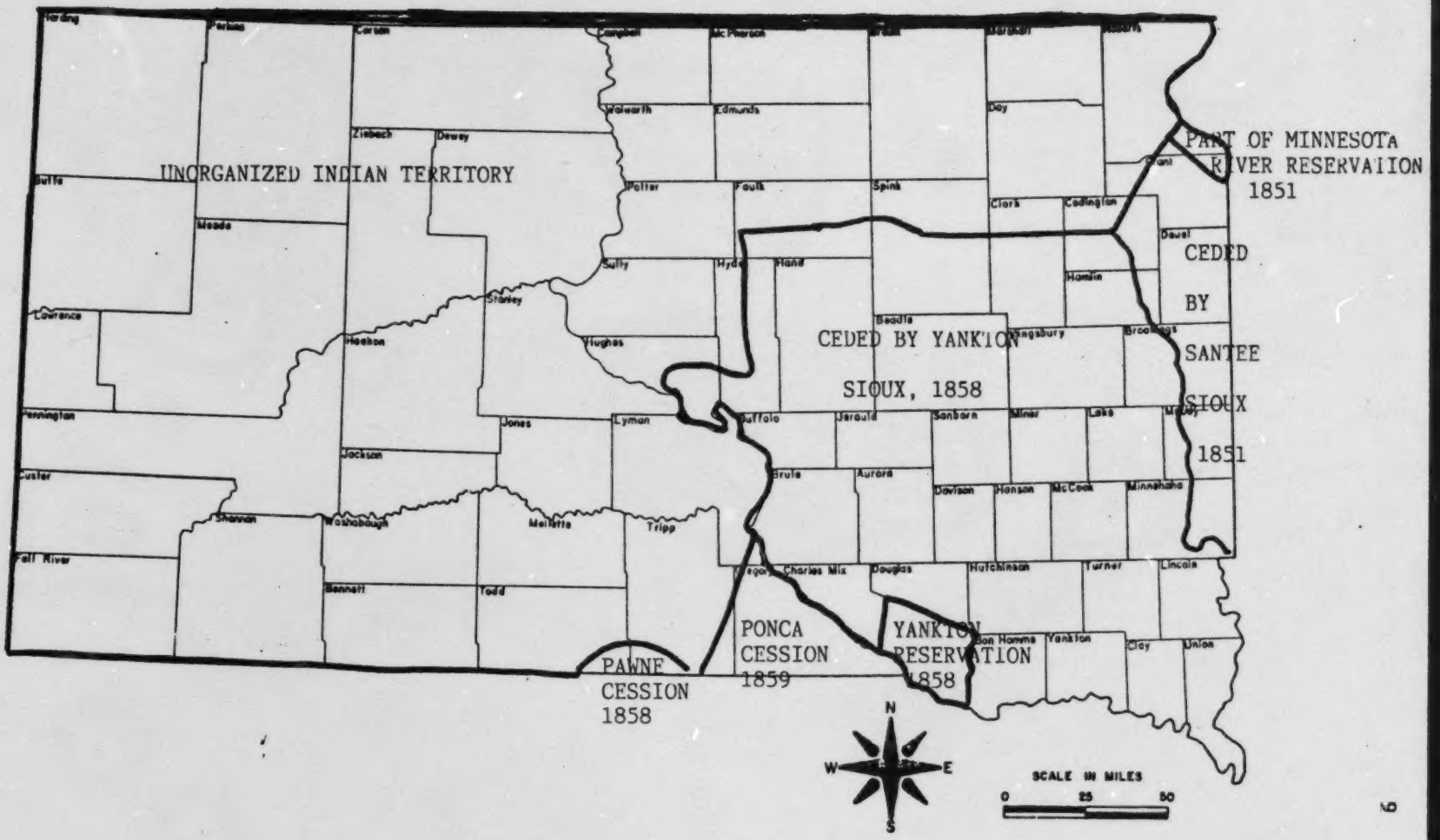


FIGURE 3: PERIOD OF THE 1862 SIOUX UPRISING

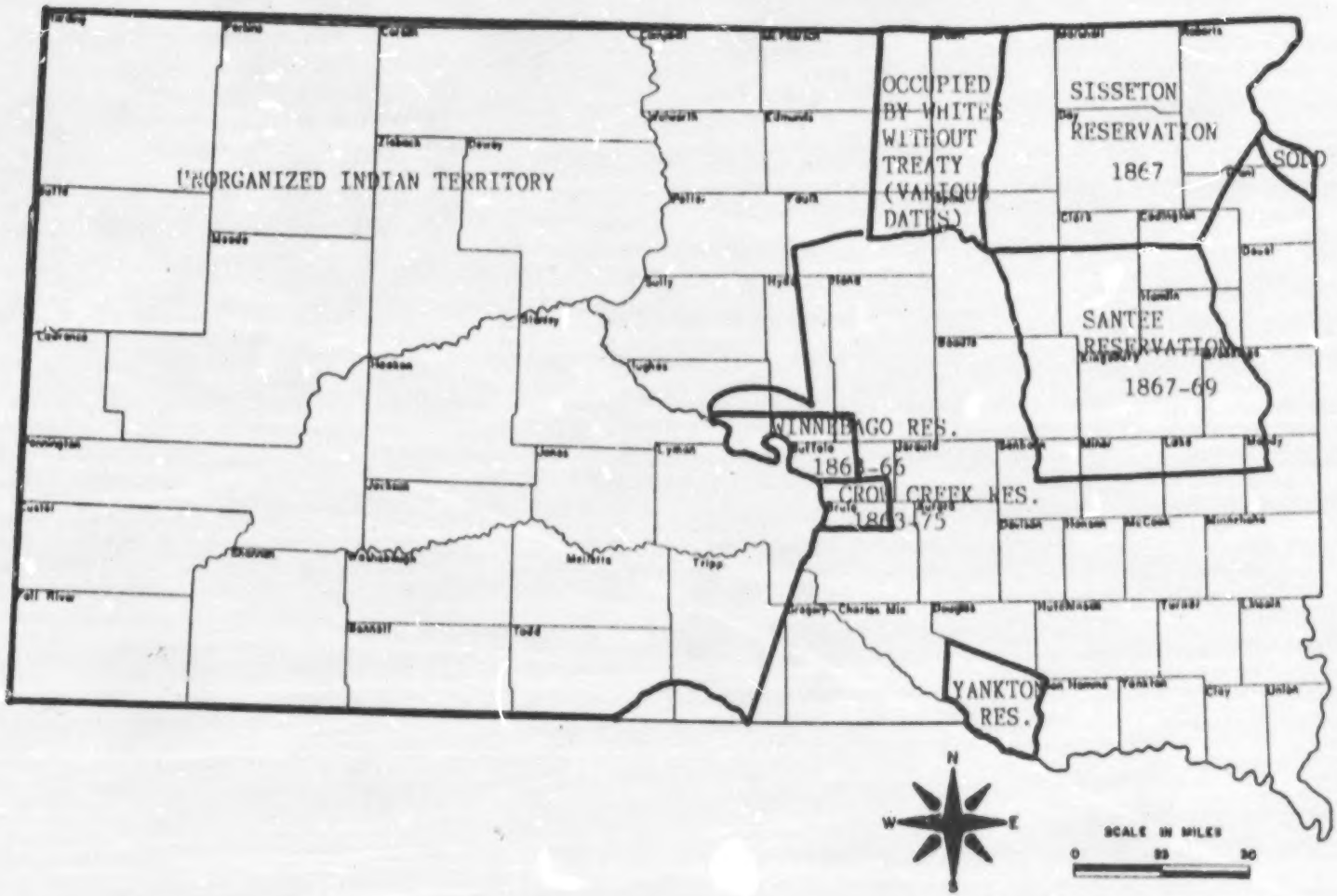


FIGURE 4: THE GREAT SIOUX NATION, 1868-1877

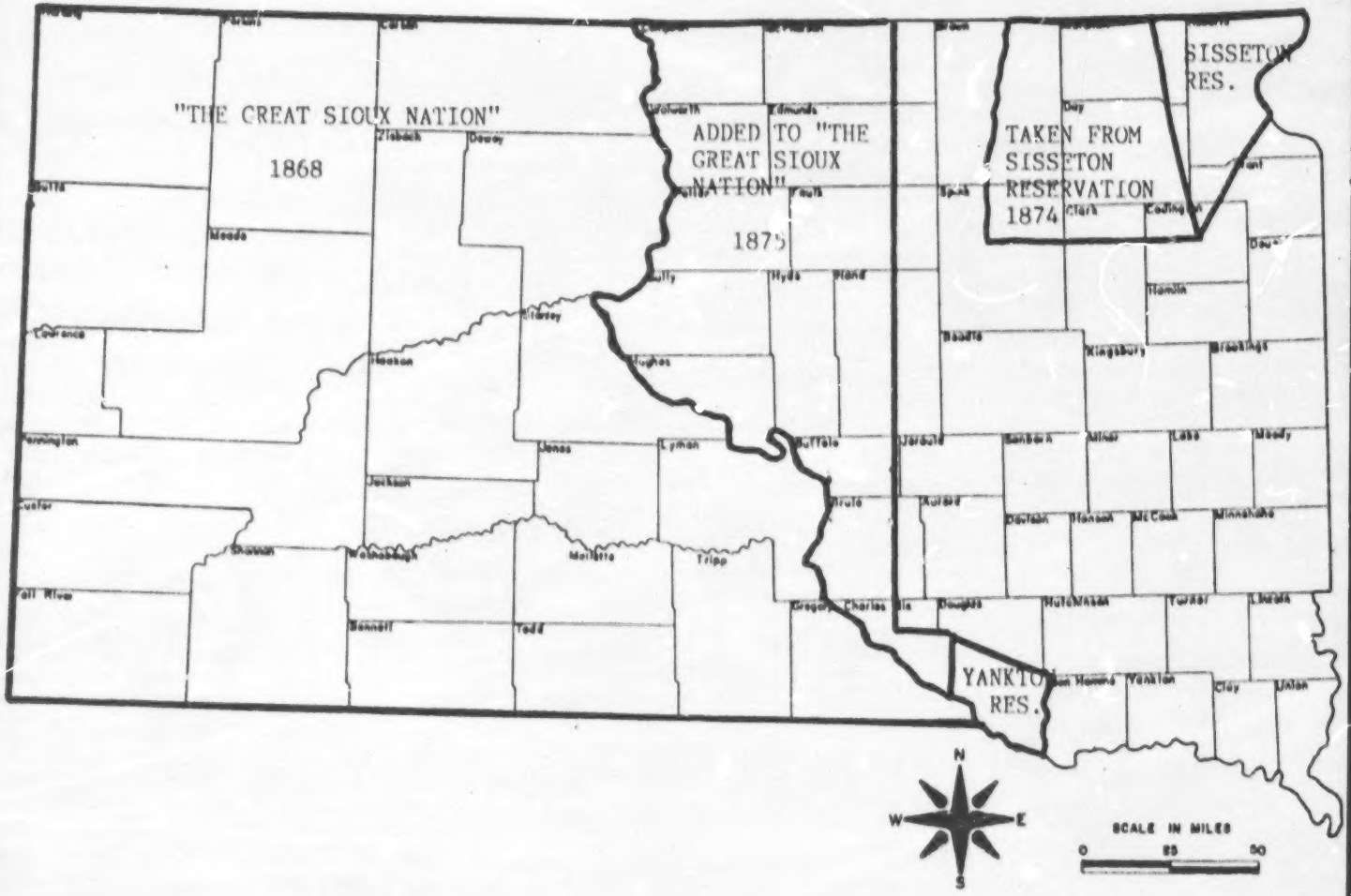


FIGURE 5: AFTER CUSTER, 1877-1889

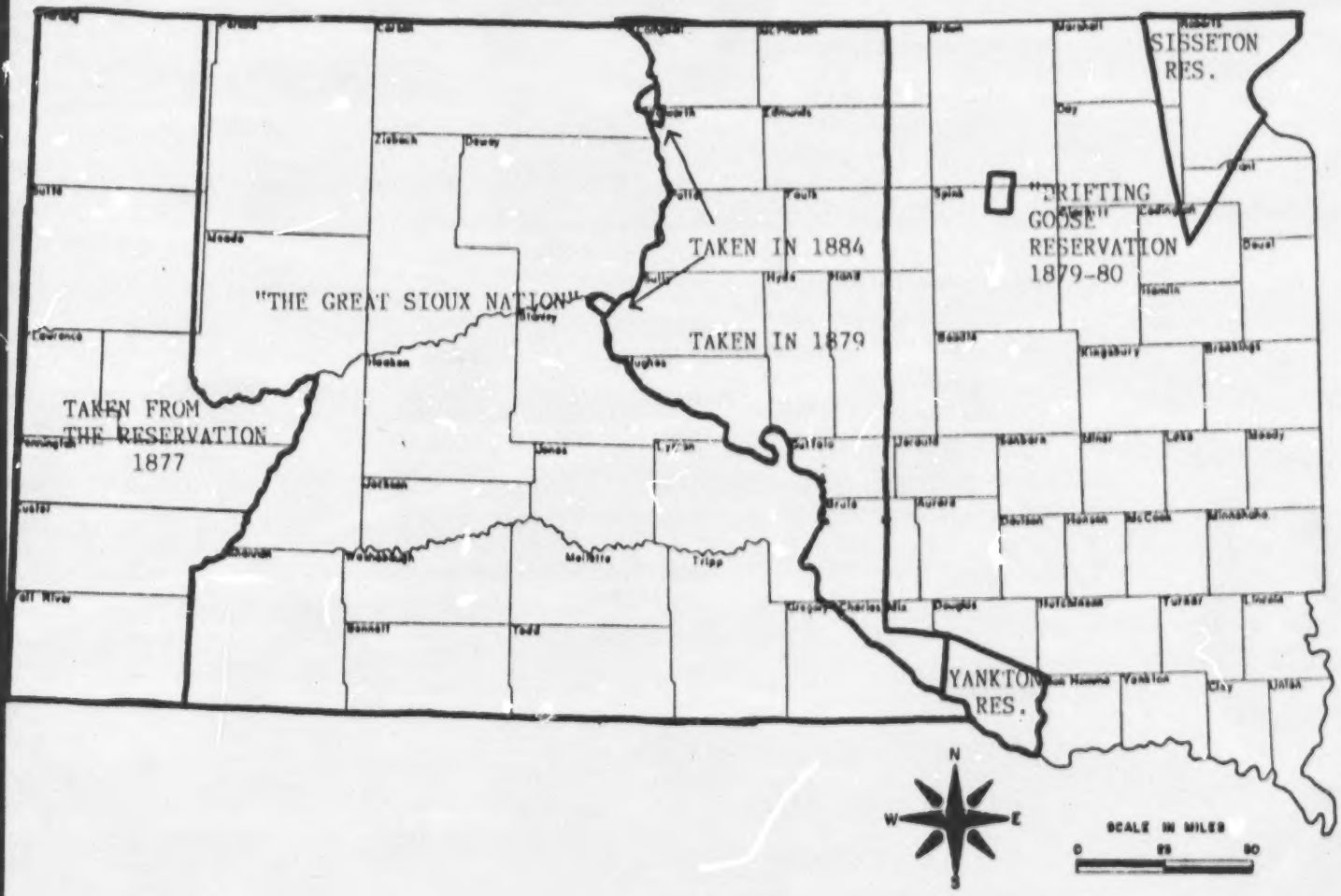


FIGURE 6: BREAK-UP OF THE GREAT SIOUX NATION, 1889

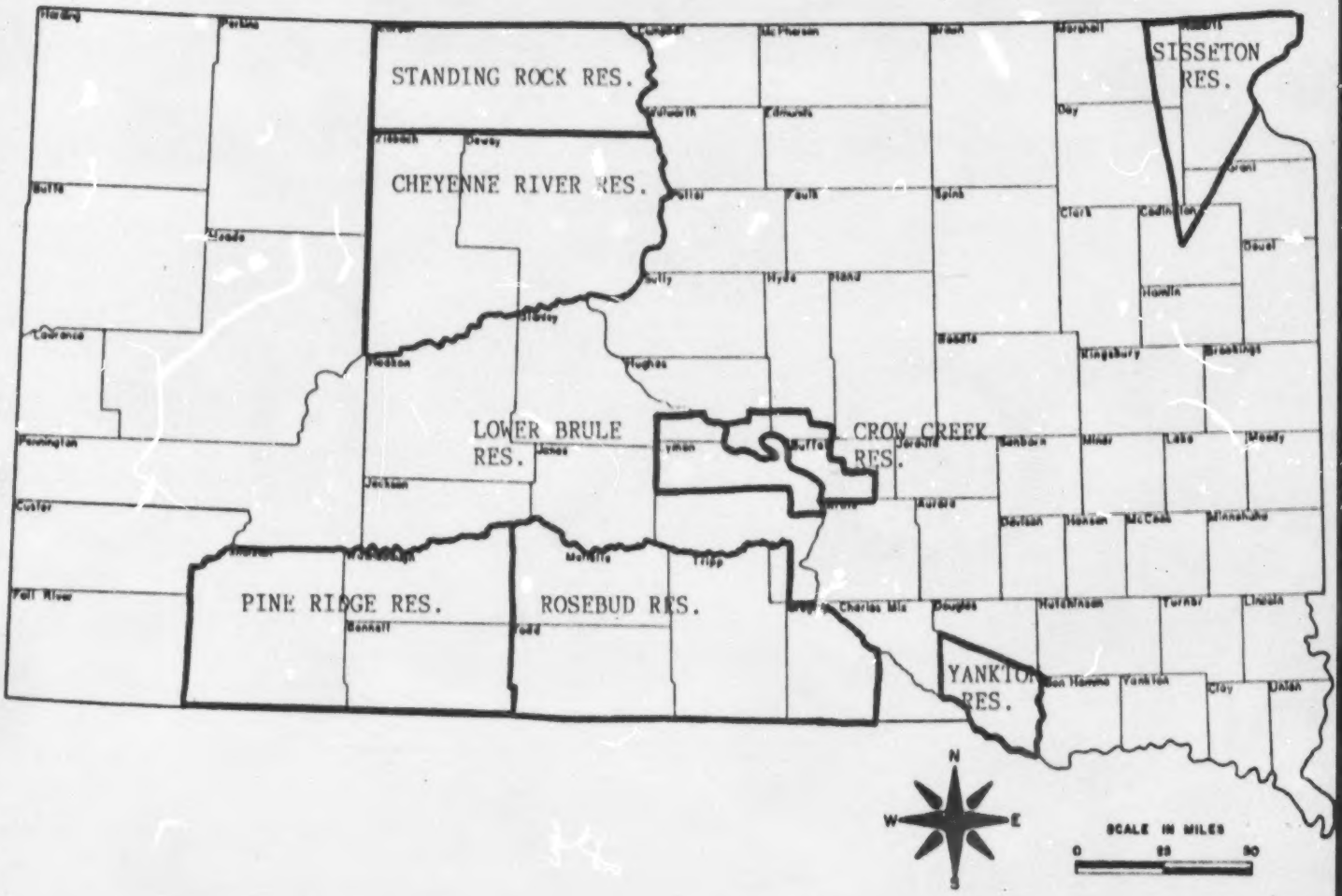
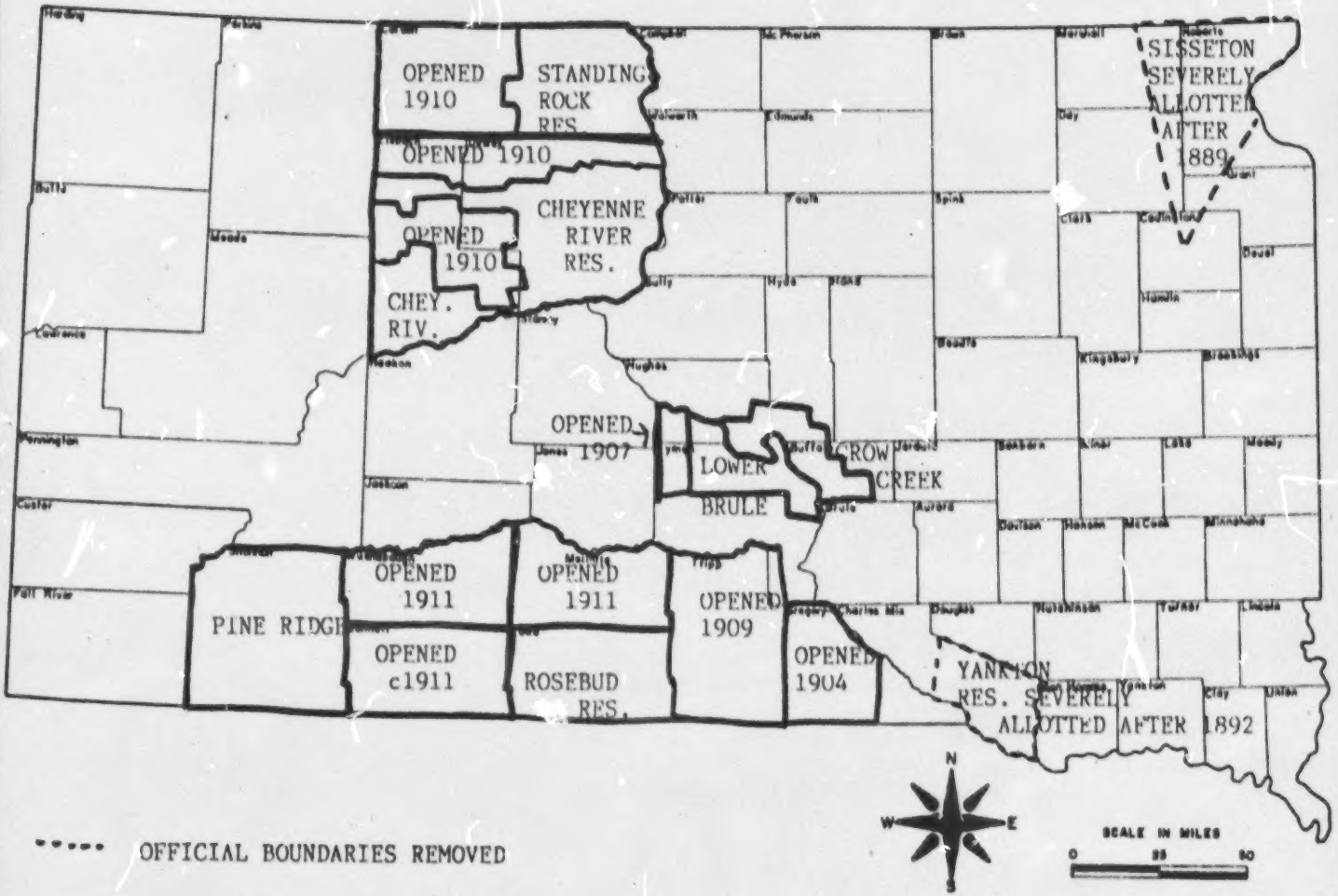


FIGURE 7 : ALLOTMENTS AND DIMINISHMENTS



----- OFFICIAL BOUNDARIES REMOVED

FIGURE 8: LANDHOLDINGS IN PART OF TODD COUNTY, SD

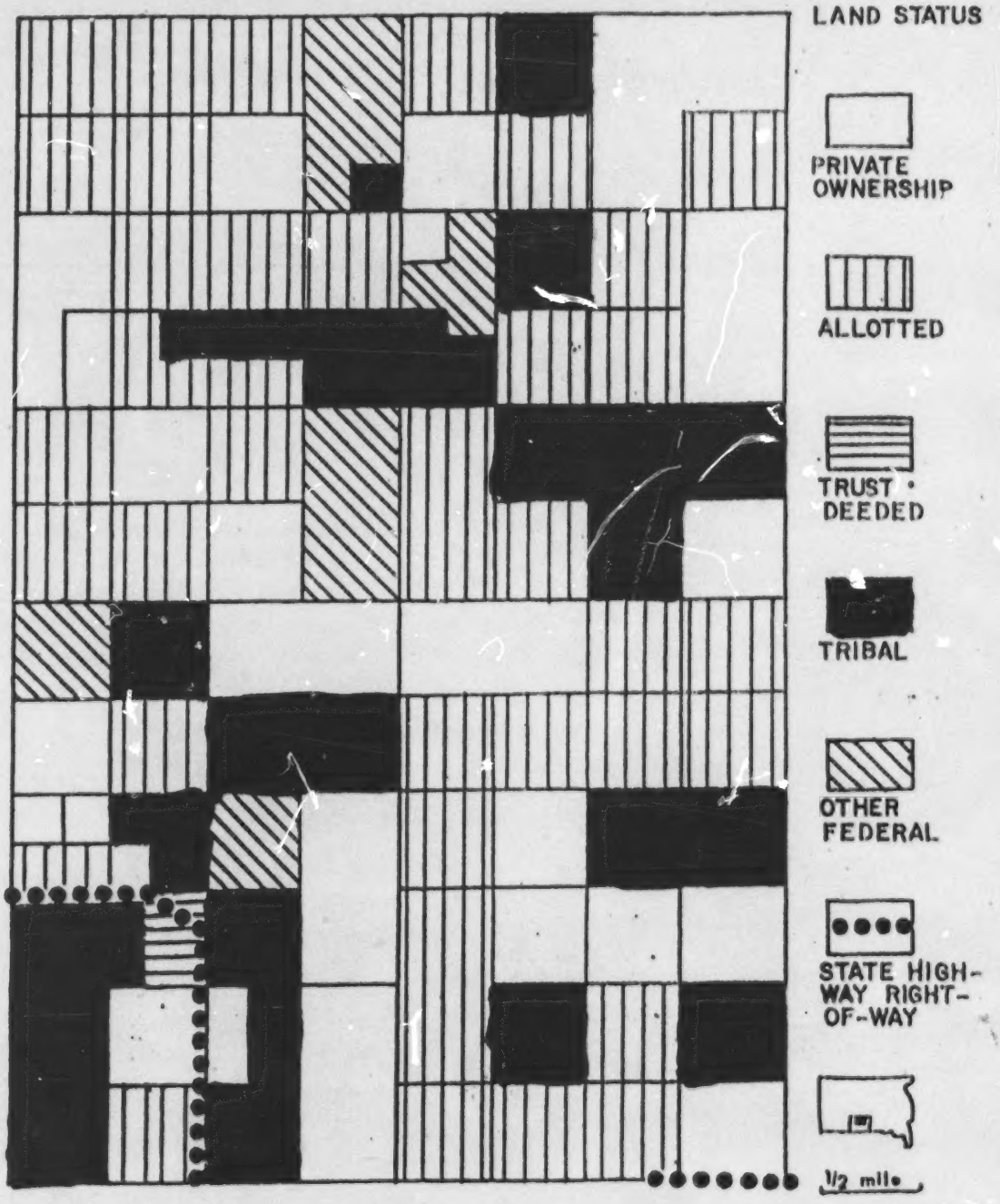
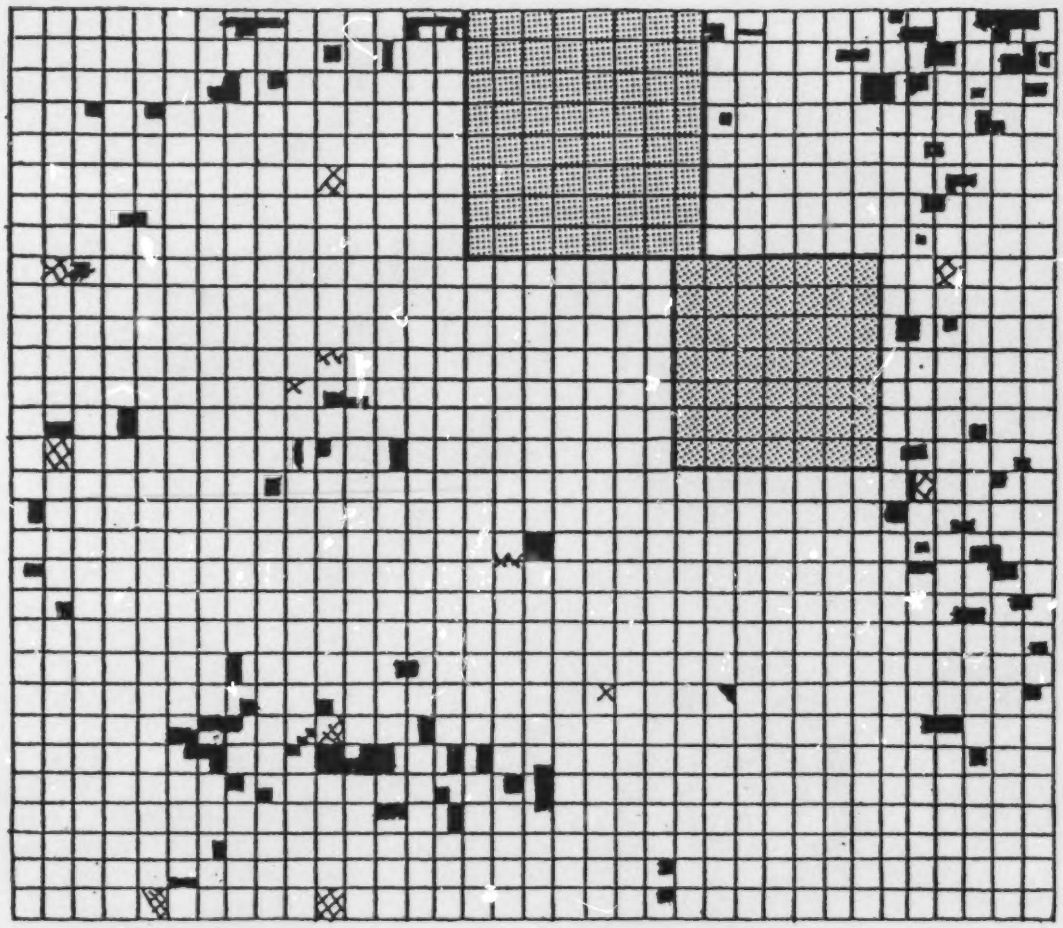


FIGURE 9: LANDHOLDINGS IN PART OF TRIPP COUNTY, SD



INDIAN LANDS (TRUST AND TRIBAL ALLOTMENTS)

STATE LANDS

WINNER CITY LIMITS

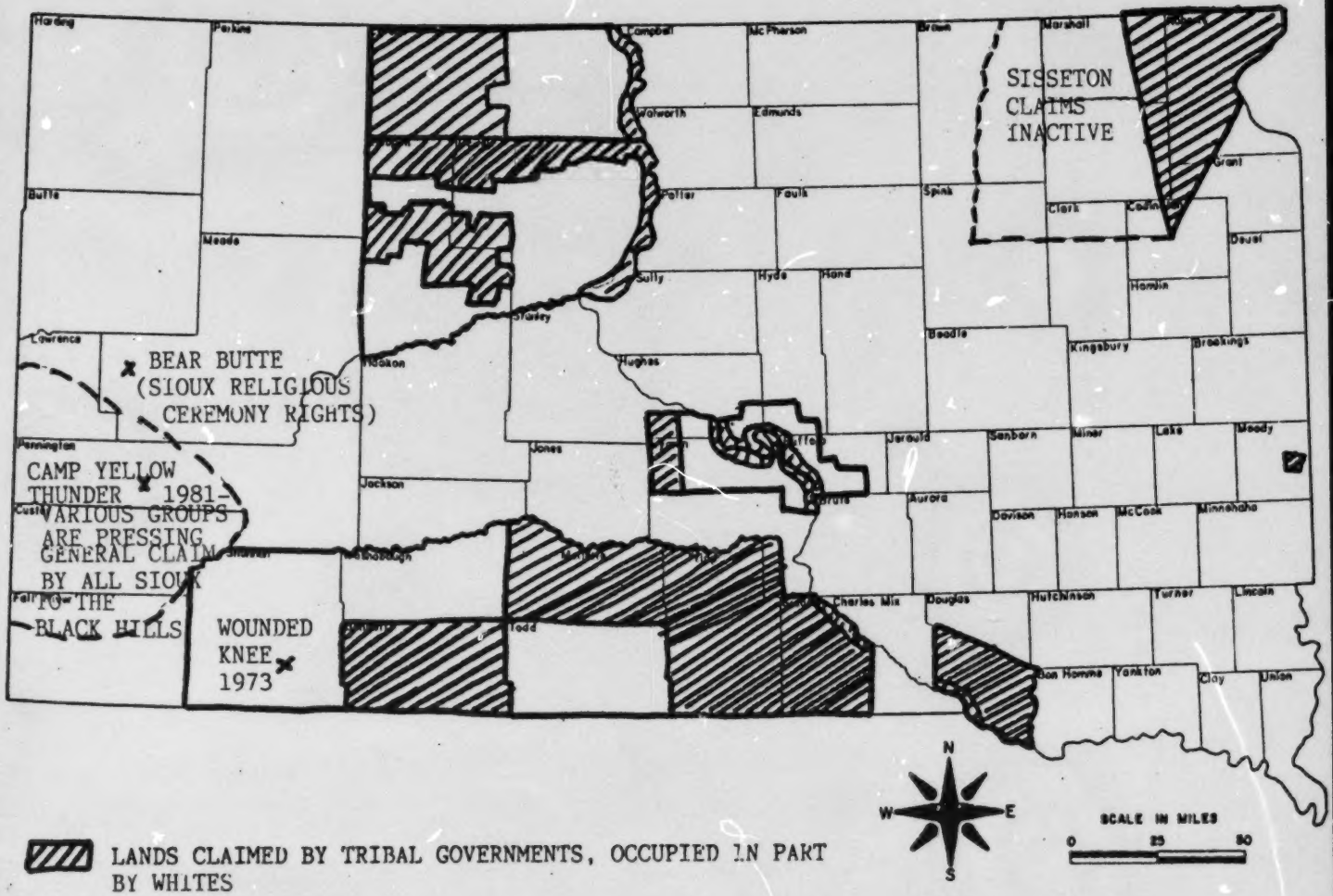
SECTION OF LAND

0 6 miles

N

FIGURE 10: RESERVATION CORE AREAS IN 1970

FIGURE 11: PRESENT INDIAN LAND CLAIMS



LANDS CLAIMED BY TRIBAL GOVERNMENTS, OCCUPIED IN PART BY WHITES

X OTHER SITES

NOTE: CORE AREAS OF RESERVATION PARTIALLY IN PRIVATE OWNERSHIP